

FILED
U.S. DISTRICT COURT
AT ATLANTA, GA

2007 JAN 25 P 12:23

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CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

ROBERT JACKSON,

Plaintiff,

vs.

CIVIL ACTION NO.: CV206-192

FEDERAL BUREAU OF PRISONS;
JOSE VASQUEZ, Warden; Dr.
CHRISTOPHER NOLAN, R.D.A.P.
Coordinator; JEFFERY C.
STRICKLAND; DORRIS SPELL,
Counselor, and LORI HARRIS,
Unit Manager,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Jackson contends that his assertion that he should be allowed to complete the Residential Drug Abuse Program is not an attack on his sentence or conviction and not a habeas corpus claim; rather, Jackson contends, if he were permitted to complete this program, he would be allowed to complete one (1) year of his sentence on community supervision. These contentions reveal that Jackson is attacking the execution of his sentence, and accordingly, these claims should be brought in a habeas corpus proceeding.

Jackson asserts that he should be allowed to proceed with his claims against Defendants Spell and Harris because these Defendants began retaliating against him

when he filed the instant cause of action. These claims are not related to Plaintiff's equal protection claims for which Magistrate Judge James E. Graham ordered service. Plaintiff may pursue his claims against Defendants Spell and Harris but must do so by filing a separate cause of action.

Jackson's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's claims which can be characterized as habeas corpus claims and Plaintiff's claims against Defendants Dorris Spell and Lori Harris are **DISMISSED**, without prejudice.

SO ORDERED, this 25 day of January, 2007.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA